



PUBLIC NOTICE

**US Army Corps
of Engineers**
Rock Island District

Applicant: Isle of Capri Casinos

Date: October 30, 2001
Expires: November 28, 2001

CEMVR-OD-P-398160

Section 10/404

**Joint Public Notice
US Army Corps of Engineers
Iowa Department of Natural Resources**

1. Applicant. Isle of Capri Casinos, 1777 Isle Parkway, Bettendorf Iowa 52722.
2. Project Location. Mississippi River, right bank approximate river mile 486.2, in Section 33, Township 78 North, Range 4 East, in Bettendorf, Scott County, Iowa.
3. Project Description. The applicant proposes to construct a floating breakwater on the Mississippi River. The purpose of the project is to construct a 600-foot-long, and 200-foot-wide recreational boat marina adjacent to an existing gambling facility complex. The floating breakwater will be moored by three 16-foot-diameter sheet pile cells and 36-inch diameter pipe piling. Five floating docking structures will be constructed inside the breakwater to moor recreational boats. A 70-foot-long and 20-foot-wide pier will be constructed to moor the local water taxi. Parallel berthing docks will be constructed along the inside perimeter of the floating breakwater and along the riverward side of the breakwater parallel to river flows to moor various size recreational and commercial packet boats. In addition, the existing jetty will be expanded to accommodate the marina expansion and to moor a future gambling boat. Steel sheet piling will be driven into the existing jetty at the following distances from the top edge of the jetty: 30 feet from the upstream top edge of the jetty; 20 feet from the riverward top edge of the jetty; 33 feet from the downstream top edge of the jetty. The area behind the sheet pile wall will be backfilled to an elevation of 570.50 feet mean sea level. To complete the project, mechanical dredging will be performed within the marina area created by the floating breakwater. Approximately 5,500 cubic yards of dredged material will be removed, loaded on a barge and disposed of in an upland site. Maintenance dredging will be performed on an as needed basis. The material will be disposed of as stated above.
4. Agency Review.
 - a. Department of the Army, Corps of Engineers. The Department of the Army application is being processed under the provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - b. State of Iowa. The project plans have been submitted to the Iowa Department of Natural Resources for state certification of the proposed work in accordance with Section 401 of the Clean Water Act. The certification, if issued, will express the Department's opinion that the proposed activity will comply with Iowa's water quality standards (Chapter 61 IAC). The applicant has also applied for authorization of work in the floodplain pursuant to Chapter 455B of the Iowa Code and other applicable state permits. Written comments concerning possible impacts to waters of Iowa should be addressed to: Iowa Department of Natural Resources, 900 East Grand Avenue, Des Moines, Iowa 50319. A copy of the comments should be provided to the Corps of Engineers office (see paragraph 11. of this public notice for address).
5. Historical/Archaeological. The Office of the State Archaeologist of Iowa was not asked to conduct a site file search for this project. All work authorized by this permit for a floating breakwater will be limited to previously disturbed ground associated with the existing levee/breakwater and to anchors in the active channel of the river. The Corps has determined that no historic properties are affected by this project based upon this information, upon the permit area's generalized topography and landform

6. Endangered Species. A mussel survey was performed on a portion of the project area in October 1998. The survey collected 112 individual mussels representing 8 common species and one Iowa state endangered species (butterfly mussel-Ellipsaria lineolata). A second mussel survey was performed in the areas of the proposed sheet pile cells/piling locations in July 2000. The survey located one specimen of the Federally listed species Higgins eye pearly mussel (Lampsilis higginsii) and one specimen of the state endangered butterfly mussel. Both individuals were relocated to an upstream location, away from the project impact zone. This District is preparing a biological assessment to assess the impacts to the Federally listed Higgins eye pearly mussel and will request entering formal consultation procedures with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act as amended.

7. Dredge/Fill Material Guidelines. The evaluation of the impact of the proposed activity on the public interest will also include application of the guidelines promulgated by the Administrator of the United States Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

8. Public Interest Review. The decision whether to issue the Corps permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

9. Who Should Reply. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. These statements should be submitted on or before the expiration date specified at the top of page 1. These statements should bear upon the adequacy of plans and suitability of locations and should, if appropriate, suggest any changes considered desirable.

10. Public Hearing Requests. Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided.

11. Reply to the Corps. Comments concerning the Corps permit should be addressed to the District Engineer, US Army Corps of Engineers, Rock Island District, ATTN: OD-P, Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004. **Mr. John Betker (309/794-5380)** may be contacted for additional information.

Original signed by

Attach
Plan

John G. Betker
Project Manager
Regulatory Branch

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